

RECEIVED

DELORIS McGRIFF,

2005 AUG 24 A 9: 44

Plaintiff,

DEBRA P. HARRIS, CLERK
U.S. DISTRICT COURT
MONTGOMERY, ALA.

v.

Civil Action No. 1:05-cv-447-F

**JOHN E. POTTER,
Postmaster General,
United States Postal Service,**

Defendant

PLAINTIFF'S RESPONSE
TO THE DEFENDANT'S MOTION TO DISMISS

On September 24, 2004, I called the EEO office to lodge a complaint of racial discrimination against Ms. Delores McGill, Human Resource Specialist. I spoke to Ms. Virginia Files, Manager Complaint Processing and she stated that I needed to fill out a pre-complaint counseling form. I received it on or about September 27, 2004. While filling out the 2564-A form I overlooked section (B. Discrimination Factors). This was not done intentionally nor was it brought to my attention for correction prior to my mediation conference held October 26, 2004.

The date that is listed in section (C. Description of Incident/Activity) June 8, 2004 is the date that I requested my name be removed off the register for Montgomery. The date of the incident which is August 26, 2004 is the date on the call-in-notice I received from Ms. McGill for an interview off the Montgomery register. That is the date that I became aware that my name was not taken off the Montgomery register. August 26, 2004 is the actual date that should have been used instead of June 8, 2004 to establish a time limit. Utilizing August instead of June is probably why Ms. Files allowed the case to proceed to mediation. At no time prior

to the mediation process was it ever mentioned that the time limit had elapsed to file this complaint. I was not aware that the complaint was considered untimely until I received a dismissal letter from the Appeals Processing Center dated December 22, 2004.

In lieu of filing a civil action, I appealed the complaint to the Office of Federal Operations, Equal Employment Opportunity Commission along with two statements of support dated January 19, 2005. I then received a final decision from the EEOC dated April 22, 2005 of their decision agreeing with the Agency that my complaint be dismissed.

CONCLUSION

Based on the above information I feel that I did utilize and attempt to exhaust my mandatory administrative remedies as best I could. I am therefore asking that you do not dismiss this case and further ask that the case be thoroughly investigated as I have been requesting for my years of service. Respectfully submitted this 23rd day of August, 2005.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Deloris McGriff", enclosed in a large, loopy parentheses.

Deloris McGriff
Plaintiff